

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1995

Be it enacted by the People of the State of Maine as follows:

Sec. 1. PL 1995, c. 368, Pt. W, §10, sub-§3 is repealed.

Sec. 2. PL 1995, c. 368, Pt. RR, §5 is repealed.

Sec. 3. Joint authority to modify rules concerning gross patient service revenue limits. The Department of Human Services and the Maine Health Care Finance Commission have joint authority to modify rules concerning gross patient service revenue limits of the Maine Health Care Finance Commission in effect on June 30, 1995, as modified by all additional or amended rules adopted by the Maine Health Care Finance Commission. After January 1, 1996, the Department of Human Services has sole authority to modify rules of the Maine Health Care Finance Commission in effect on December 31, 1995 concerning gross patient service revenue limits. The Department of Human Services may draft emergency rules that apply retroactively to July 1, 1995 concerning all aspects of gross patient service revenue limits for assessment purposes.

4. Retroactivity. This Act applies retroactively to July 1, 1995.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective December 1, 1995.

CHAPTER 504

H.P. 1148 - L.D. 1587

An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Allocations for Fiscal Years 1995-96 and 1996-97

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. Allocation. The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 1996 and June 30, 1997, to the departments listed, to carry out the purposes of this Part.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Salary Plan

Personal Services (\$3,376,543)

Provides for the deallocation of funds from the excess Personal Services that were originally required by Public Law 1993, chapter 414, Part D, section 6.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL

(3,376,543)

TRANSPORTATION, DEPARTMENT OF

Administration and Planning

| | | |
|-------------------------------|-----------|-----------|
| Positions - Legislative Count | (-7.0) | (-7.0) |
| Positions - Other Count | (-1.5) | (-1.5) |
| Personal Services | (269,158) | (275,944) |

Provides for the deallocation of funds from the elimination of the following: Three seasonal Highway Laborer positions; one Engineering Technician II position; one Management Analyst I position; one Planning and Research Associate I position; one Public Relations Specialist position; one Transportation Planning Analyst position; one Transportation Planning Specialist position; and one Director of Special Projects position. All of the above positions are split-funded, 84% Highway Fund and 16% Federal Expenditure Fund.

Administration and Planning

| | | |
|-------------------|----------|----------|
| Personal Services | (75,057) | (78,059) |
|-------------------|----------|----------|

Provides for the deallocation of funds from the determination that payments to the Workers'

| | | | | | |
|---|-----------|-----------|---|-------------|-----------|
| Compensation Management Fund are eligible as federal expenditures. | | | position; 2 Field Inspector positions; 10 Highway Laborer positions; 2 Right-of-way Agent I positions; one Right-of-way Appraiser I position; 2 Right-of-way Appraiser I positions; one Right-of-way Appraiser III position; one Secretary position; one Senior Programmer Analyst position; and one Staff Development Specialist position. | | |
| Bond Interest - Highway | | | | | |
| All Other | 142,000 | 284,000 | | | |
| Provides for the allocation of funds necessary for interest for a \$5,000,000 bond sale on January 1, 1996. | | | | | |
| Bond Retirement - Highway | | | | | |
| All Other | | 500,000 | Highway and Bridge Improvement | | |
| Provides for the allocation of funds necessary for bond retirement on a \$5,000,000 bond sale during fiscal year 1995-96. | | | Capital Expenditures | 1,920,927 | |
| | | | Provides for the allocation of funds saved by the elimination of positions within the Department of Transportation for the Capital Improvement Program. | | |
| Bridge Maintenance | | | Highway and Bridge Improvement | | |
| Positions - Legislative Count | (-1.0) | (-1.0) | Personal Services | (560,009) | (582,409) |
| Personal Services | (26,879) | (28,186) | Provides for the deallocation of funds resulting from the determination that payments to the Workers' Compensation Management Fund are eligible as federal expenditures. | | |
| Provides for the deallocation of funds from the elimination of one Engineering Technician II position. | | | Highway and Bridge Improvement | | |
| | | | Personal Services | (2,500,000) | |
| | | | Provides for the deallocation of excess Personal Services funding, which was carried forward from fiscal year 1994-95. | | |
| Highway and Bridge Improvement | | | Highway and Bridge Improvement | | |
| Positions - Legislative Count | (-34.0) | (-34.0) | Capital Expenditures | 2,500,000 | |
| Positions - Other Count | (-5.5) | (-5.5) | Provides for the allocation of funds to support the Capital Improvement Program. | | |
| Personal Services | (783,681) | (806,706) | | | |
| Provides for the deallocation of funds from the elimination of the following: Four Assistant Engineer positions; 6 Civil Engineer II positions; one Civil Engineer III position; one Clerk Stenographer II position; one Clerk Typist II position; one Engineering Aide II position; one Engineering Aide I position; 2 Engineering Technician I positions; 2 Engineering Technician II positions; one Engineering Technician III position; 3 Engineering Technician IV positions; one Engineering Technician V | | | | | |

Highway and Bridge Improvement

| | |
|----------------------|-------------------|
| All Other | 4,000,000 |
| Capital Expenditures | 30,000,000 |
| TOTAL | 34,000,000 |

Provides for the allocation of funds to maintain the ongoing projects as authorized in the Capital Improvement Program. The undedicated revenue to the Highway Fund will increase by \$34,000,000 in fiscal year 1995-96 due to the sale of a Maine Turnpike Authority bond.

Highway and Bridge Improvement

| | |
|----------------------|---------|
| Capital Expenditures | 695,793 |
|----------------------|---------|

Provides for the allocation of funds to the Capital Improvement Program.

Highway and Bridge Improvement

| | |
|-----------|---------|
| All Other | 337,530 |
|-----------|---------|

Provides for the allocation of funds for the Capital Improvement Program.

Highway Maintenance

| | | |
|-------------------------------|----------|----------|
| Positions - Legislative Count | (-2.0) | (-2.0) |
| Personal Services | (84,067) | (86,442) |

Provides for the deallocation of funds from the elimination of one Engineering Technician III position and one Engineering Technician IV position.

Highway Maintenance

| | | |
|-----------|-----------|-----------|
| All Other | (167,467) | (172,846) |
|-----------|-----------|-----------|

Provides for the deallocation of funds needed for vehicle repair expenses due to the elimination of 2 positions within the Motor Transport Service Program of the Highway Garage Fund and 4 Motor Transport Service crew employment slots.

Highway Maintenance

| | | |
|-------------------------|-----------|-----------|
| Positions - Other Count | (-24.0) | (-24.0) |
| Personal Services | (625,790) | (654,752) |

Provides for the deallocation of funds from the elimination of 20 full-time and 8 seasonal Highway Maintenance crew employment slots.

Highway Maintenance

| | |
|----------------------|-----------|
| Capital Expenditures | 1,963,363 |
|----------------------|-----------|

Provides for the allocation of funds saved by the elimination of positions within the Department of Transportation for the Maintenance Paving Program.

Highway Maintenance

| | |
|----------------------|---------|
| Capital Expenditures | 723,624 |
|----------------------|---------|

Provides for the allocation of funds to the Maintenance Paving Program.

Highway Maintenance

| | | |
|----------------------|------------------|------------------|
| All Other | 1,250,000 | 2,660,000 |
| Capital Expenditures | 895,000 | 2,808,013 |
| TOTAL | 2,145,000 | 5,468,013 |

Provides for the allocation of funds to support the following: the Underground Fuel Tank Program; the Underground Floor Drain Program; the Hazardous Waste Storage Program; the Sand-salt Storage Program; and the Maintenance Paving Program.

Local Bridges

| | | |
|-------------------|----------|----------|
| Personal Services | (12,246) | (12,736) |
|-------------------|----------|----------|

Provides for the deallocation of funds from the determination that payments to the Workers' Compensation Management Fund are eligible as federal expenditures.

Traffic Service

| | | |
|--|--------------------|--------------------|
| Positions - Legislative Count Personal Services | (-1.0) (56,047) | (-1.0) (56,671) |
| Provides for the deallocation of funds from the elimination of one Engineering Technician V position. | | |
| Traffic Service | | |
| Positions - Other Count Personal Services | (-2.0) (48,661) | (-2.0) (50,261) |
| Provides for the deallocation of funds from the elimination of one full-time and 2 seasonal Traffic Maintenance crew employment slots. | | |
| Traffic Service | | |
| Personal Services | (48,481) | (50,420) |
| Provides for the deallocation of funds from the determination that payments to the Workers' Compensation Management Fund are eligible as federal expenditures. | | |
| DEPARTMENT OF TRANSPORTATION TOTAL | <u>36,483,707</u> | <u>6,083,568</u> |
| SECTION A-1 TOTAL ALLOCATIONS | <u>33,107,164</u> | <u>6,083,568</u> |

Sec. A-2. Allocation. The following funds are allocated from the Federal Expenditure Fund for the fiscal year ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

| | 1995-96 | 1996-97 |
|---|----------------|----------------|
| TRANSPORTATION, DEPARTMENT OF | | |
| Administration and Planning | | |
| Personal Services | (51,267) | (52,561) |
| Provides for the deallocation of funds from the elimination of the following: Three seasonal Highway Laborer positions; one Engineering Technician II position; one Management Analyst I position; one Planning and Research Associate I position; one Public | | |

| | | |
|---|-----------|-----------|
| Relations Specialist position; one Transportation Planning Analyst position; one Transportation Planning Specialist position; and one Director of Special Projects position. These positions are all split-funded, 84% Highway Fund and 16% Federal Expenditure Fund. | | |
| Administration and Planning | | |
| Personal Services | 62,846 | 65,360 |
| Provides for the allocation of funds to support the Workers' Compensation Management Fund. | | |
| Administration and Planning | | |
| All Other | (62,846) | (65,360) |
| Provides for the deallocation of funds from the reduction of budgeted grant expenditures. | | |
| Administration and Planning | | |
| All Other | 47,392 | 47,929 |
| Provides for the allocation of funds saved by the elimination of personal service costs for the Highway Planning and Research Program. | | |
| Highway and Bridge Improvement | | |
| Personal Services | (783,680) | (806,705) |
| Provides for the deallocation of funds from the elimination of the following: Four Assistant Engineer positions; 6 Civil Engineer II positions; one Civil Engineer III position; one Clerk Stenographer II position; one Clerk Typist II position; one Engineering Aide I position; one Engineering Aide II position; 2 Engineering Technician I positions; 2 Engineering Technician II positions; one Engineering Technician III position; 3 | | |

| | | | |
|--|---|--|--|
| <p>Engineering Technician IV positions; one Engineering Technician V position; 2 Field Inspector positions; 10 Highway Laborer positions; 2 Right-of-way Agent II positions; one Right-of-way Appraiser I position; 2 Right-of-way Appraiser II positions; one Right-of-way Appraiser III position; one Secretary position; one Senior Programmer Analyst position; and one Staff Development Specialist III position. The positions listed above are split-funded, 50% Highway Fund and 50% Federal Expenditure Fund.</p> | | | <p>Provides for the deallocation of budgeted Capital Expenditures that are no longer required.</p> |
| | | | <p>Railroad Assistance Program</p> |
| | | | <p>Personal Services 3,553 3,695</p> |
| | | | <p>Provides for the allocation of funds to support the Workers' Compensation Management Fund.</p> |
| | | | <p>Railroad Assistance Program</p> |
| | | | <p>All Other (3,553) (3,695)</p> |
| | | | <p>Provides for the deallocation of budgeted grant expenditures that are no longer required.</p> |
| | | | <p>Traffic Service</p> |
| | | | <p>Personal Services 48,481 50,420</p> |
| | | | <p>Provides for the allocation of funds to support the Workers' Compensation Management Fund.</p> |
| | | | <p>Traffic Service</p> |
| | | | <p>All Other (48,481) (50,420)</p> |
| | | | <p>Provides for the deallocation of budgeted material expenditures that are no longer required.</p> |
| | | | <p>Transportation Services</p> |
| | | | <p>Personal Services 8,658 9,004</p> |
| | | | <p>Provides for the allocation of funds to support the Workers' Compensation Management Fund.</p> |
| | | | <p>Transportation Services</p> |
| | | | <p>Capital Expenditures (8,658) (9,004)</p> |
| | | | <p>Provides for the deallocation of budgeted Capital Expenditures that are no longer required.</p> |
| | | | <p>DEPARTMENT OF TRANSPORTATION</p> |
| | | | <p>TOTAL (63,729) (75,891)</p> |
| | | | <p>SECTION A-2</p> |
| | | | <p>TOTAL ALLOCATIONS (63,729) (75,891)</p> |
| | | | <p>Sec. A-3. Allocation. The following funds are allocated from the Highway Garage Fund for the</p> |
| <p>Highway and Bridge Improvement</p> | <p>Personal Services 560,009 582,409</p> | | |
| | <p>Provides for the allocation of funds to support the Workers' Compensation Management Fund.</p> | | |
| <p>Highway and Bridge Improvement</p> | <p>Capital Expenditures (560,009) (582,409)</p> | | |
| | <p>Provides for the deallocation of funds from the reduction of budgeted Capital Expenditures.</p> | | |
| <p>Highway and Bridge Improvement</p> | <p>Capital Expenditures 723,826 735,446</p> | | |
| | <p>Provides for the allocation of funds for the federal share of the Capital Improvement Program.</p> | | |
| <p>Local Bridges</p> | <p>Personal Services 12,246 12,736</p> | | |
| | <p>Provides for the allocation of funds to support the Workers' Compensation Management Fund.</p> | | |
| <p>Local Bridges</p> | <p>Capital Expenditures (12,246) (12,736)</p> | | |

fiscal year ending June 30, 1996 and June 30, 1997 to carry out the purposes of this Part.

| | 1995-96 | 1996-97 |
|---|-------------|-------------|
| TRANSPORTATION, DEPARTMENT OF | | |
| Motor Transport Service | | |
| Positions - Other Count | (-1.0) | (-1.0) |
| Personal Services | (29,561) | (29,911) |
| Provides for the deallocation of funds from the elimination of one Account Clerk I position. | | |
| Motor Transport Service | | |
| Positions - Other Count | (-1.0) | (-1.0) |
| Personal Services | (27,650) | (29,014) |
| Provides for the deallocation of funds from the elimination of one Mechanical Stores Clerk I position. | | |
| Motor Transport Service | | |
| Positions - Other Count | (-4.0) | (-4.0) |
| Personal Services | (123,410) | (129,792) |
| Provides for the deallocation of funds from the elimination of 4 full-time Motor Transport Service crew employment slots. | | |
| DEPARTMENT OF TRANSPORTATION | | |
| TOTAL | (180,621) | (188,717) |
| SECTION A-3 | | |
| TOTAL ALLOCATIONS | (\$180,621) | (\$188,717) |

PART B

Sec. B-1. 6 MRSA §3, sub-§10-C, as enacted by PL 1977, c. 678, §7, is repealed.

Sec. B-2. 6 MRSA §3, sub-§19, as repealed and replaced by PL 1977, c. 678, §10, is repealed.

Sec. B-3. 6 MRSA §11-A, as enacted by PL 1977, c. 678, §25, is repealed.

Sec. B-4. 6 MRSA §12, last ¶, as repealed and replaced by PL 1977, c. 678, §26, is repealed.

Sec. B-5. 6 MRSA §13, 4th ¶, as amended by PL 1985, c. 785, Pt. B, §41, is repealed and the following enacted in its place:

The commissioner may employ, subject to the Civil Service Law, personnel that the commissioner considers necessary to carry out the duties outlined in this chapter or imposed upon the commissioner with respect to aviation.

Sec. B-6. 6 MRSA §303, sub-§4, ¶A, as enacted by PL 1985, c. 610, is repealed.

Sec. B-7. 23 MRSA §4206, sub-§2, ¶B, as repealed and replaced by PL 1981, c. 45, §2, is repealed.

Sec. B-8. 23 MRSA §7103, sub-§3, as amended by PL 1989, c. 791, §§1 and 2, is further amended to read:

3. Use of funds. Subject to the Civil Service Law, money in the fund may be expended to hire employees and to defray other costs authorized by law for the Department of Transportation, ~~Bureau of Transportation Services~~ as follows:

A. To conduct studies relating to the economic impact of rail transportation on the State including cost-benefit analyses associated with the possible retention or loss of individual rail lines;

B. To conduct periodic condition surveys of rail track and other related facilities;

C. To acquire, lease and maintain rail lines when these actions are determined to be in the best interest of the State;

D. To lease, purchase and dispose of railroad operating equipment used on rail lines acquired or leased by the State; and

E. To provide financial assistance and to lease or sell railroad operating equipment to short line operators providing rail service to lines acquired or leased by the State. For purposes of this chapter, a short line operator is any railroad having an annual gross revenue from railroad operations of \$5,000,000 or less, or regularly conducting rail service over less than 100 miles of track.

Sec. B-9. 36 MRSA §656, sub-§1, ¶C, as amended by PL 1991, c. 546, §10, is further amended to read:

C. The landing area of a privately owned airport, the use of which is approved by the ~~Air Transportation Division~~ Department of Transportation, is exempt from taxation when the owner grants free use of that landing area to the public.

Sec. B-10. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes, Title 6 the word "director" or the words "Director of the Division of Aeronautics" or

"Director of the Bureau of Aeronautics" appear or reference is made to those words, they are amended to read and mean "commissioner," and wherever in the Maine Revised Statutes the words "Director of the Division of Aeronautics" or "Director of the Bureau of Aeronautics" appear or reference is made to those words, they are amended to read and mean "Commissioner of Transportation" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART C

Sec. C-1. 23 MRSA §1961, sub-§2, as repealed and replaced by PL 1993, c. 680, Pt. A, §24, is amended to read:

2. Cooperation with the Department of Transportation. The Department of Transportation must be provided each year the operating surplus of the Maine Turnpike Authority. The Maine Turnpike Authority may issue bonds or other obligations to pay for Department of Transportation projects. These amounts are considered necessary for use by the department for construction, reconstruction, operation and maintenance of all roads on the state highway system, which serve and benefit users of the turnpike by providing direct and indirect access to and from the turnpike as part of the integrated highway system. Due to the utilization of the state highway system by users of the turnpike, the turnpike and its users have received and will continue to receive a benefit from, or have caused and will continue to cause, or both, the State acting by and through the Department of Transportation to incur costs for the construction, operation and maintenance of the state highway system, which provides direct and indirect access to and from the turnpike to areas in the State for which the State may properly be and should be compensated from the tolls to be collected. The Maine Turnpike Authority should be maintained to carry out the purposes of this chapter in cooperation with the Department of Transportation.

Sec. C-2. 23 MRSA §1964, sub-§4-A is enacted to read:

4-A. Department of Transportation project. "Department of Transportation project" means the rehabilitation, reconstruction or construction of any highway or bridge on the state highway system determined by the department and the authority to have a sufficient relationship to the public's use of the turnpike in accordance with section 1974, subsection 6.

Sec. C-3. 23 MRSA §1964, sub-§6-A, as enacted by IB 1991, c. 1, §4, is amended to read:

6-A. Operating surplus. "Operating surplus" means the total annual operating revenues of the

Maine Turnpike Authority, after money has been put aside to pay the reasonable operating expenses and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority, including any amounts pledged to secure obligations issued pursuant to section 1968, subsection 2-A or to pay principal, interest or premium, if any, with respect to these obligations.

Sec. C-4. 23 MRSA §1965, sub-§1, ¶¶O-1 and O-2 are enacted to read:

O-1. Provide for an annual amount not to exceed a maximum of \$4,700,000 to secure obligations issued pursuant to section 1968, subsection 2-A or to pay principal, interest or premium, if any, with respect to these obligations, after money has been set aside or adequate provision has been made to pay operating expenses and to meet the requirements of any resolution authorizing revenue bonds of the authority;

O-2. Make a contract or enter into an agreement with or provide certifications and assurances to the Department of Transportation, or any other 3rd party, necessary in connection with the determination of Department of Transportation projects, the issuance of bonds or other obligations pursuant to section 1968, subsection 2-A, the pledge of revenues to the payment of these bonds or obligations or the payment of the costs or a portion of the costs of Department of Transportation projects;

Sec. C-5. 23 MRSA §1968, sub-§2-A is enacted to read:

2-A. Bonds for Department of Transportation projects. In addition to bonds outstanding pursuant to subsections 1 and 2, the authority may provide by resolution from time to time but no later than June 30, 1997 for the issuance of special obligation bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$40,000,000 in aggregate principal amount exclusive of refundings, to pay to the Department of Transportation the costs, or a portion of the costs, of Department of Transportation projects. Department of Transportation projects paid for with bonds in accordance with this subsection must be determined by the Department of Transportation and the authority to have sufficient relationship to the public's use of the turnpike in accordance with section 1974, subsection 6.

Sec. C-6. 23 MRSA §1969, sub-§1, ¶A, as enacted by PL 1981, c. 595, §3, is amended to read:

A. To the payment of the cost of the construction and reconstruction of the turnpike or to the payment to the Department of Transportation of

the cost of Department of Transportation projects;

Sec. C-7. 23 MRSA §1974, sub-§6 is enacted to read:

6. Revenues to secure special obligation bonds for Department of Transportation projects; determination of project eligibility for funding. Subject to the terms and conditions of this chapter, the authority may authorize turnpike revenues to be transferred to a trustee or agent designated by the authority and that trustee or agent shall hold these revenues in trust to secure or to be applied to the payment of obligations issued pursuant to section 1968, subsection 2-A and as provided for in a resolution authorizing the issuance of these bonds or in a related trust indenture or loan or other security agreement.

The Department of Transportation shall provide the authority with a list of proposed Department of Transportation projects and any other information requested by the authority and relating to a project on the list. The Department of Transportation and the authority shall determine Department of Transportation projects that are eligible for funding with proceeds from bonds authorized by section 1968, subsection 2-A. In making this determination, the department and the authority may consider the following factors:

A. The existing access roads and the state highway system;

B. The traffic impact of the maintenance, construction or reconstruction on the existing road network;

C. The total cost of the state highway system;

D. The probable change in departmental expenditures resulting from maintenance, construction or reconstruction of the project;

E. The relative number of vehicles using or expected to use the project on the way to or from the turnpike;

F. The road distance or average road distance of the project or portions of the project from the nearest entrance to or exit from the turnpike;

G. The effect that maintenance, construction or reconstruction will have on the flow of traffic to, from and on the turnpike and in diverting vehicular traffic off or away from the turnpike;

H. The proportionate usage of the state highway system by vehicles using the turnpike and vehicles not using the turnpike;

I. Vehicle classification and travel characteristics;

J. Origins and destinations of trips;

K. Fuel type and consumption;

L. Existing sources of revenue; and

M. Any other factors considered relevant, including, but not limited to, expert opinion.

Sec. C-8. 23 MRSA §4206, sub-§1, ¶M, as amended by PL 1983, c. 477, Pt. E, sub-pt. 26, §8, is further amended to read:

M. Acting upon the advice of the State Tax Assessor, to negotiate a compact with other states, the District of Columbia and Canadian provinces for the administration of user license fees on condition that the compact provides for:

- (1) The collection of the annual user license fee for any other state or province by the state or province in which the motor truck is registered;
- (2) The disbursement of revenues due to other states or provinces subject to the compact;
- (3) The free exchange of information between and among the states or provinces subject to the compact; and
- (4) The establishment of identification tags or decals.

The compact ~~shall~~ **must** provide for reciprocal enforcement of the laws establishing the annual user license fees and for the auditing of all books, records and logs of the operator of a motor truck by the state or province in which the motor truck is registered, which pertains to travel in it and any other state or province subject to the compact; and

Sec. C-9. 23 MRSA §4206, sub-§1, ¶N is enacted to read:

N. To make contracts and enter into agreements with and make assurances and certifications to the Maine Turnpike Authority, and other 3rd parties, necessary in connection with determination of Department of Transportation projects and the issuance of bonds or obligations pursuant to section 1968, subsection 2-A.

Sec. C-10. Provisions of the Maine Revised Statutes, Title 23, section 1974, former subsection 4. For purposes of any resolution initially adopted prior to December 20, 1991, the

Maine Revised Statutes, Title 23, section 1974, subsection 6 governs rather than Title 23, section 1974, former subsection 4.

Effective March 1, 1996.

CHAPTER 505

S.P. 477 - L.D. 1301

An Act to Transfer Oversight of Commercial Driver Education Programs to the Secretary of State

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation has an effective date of January 1, 1996; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §927, sub-§6, ¶C, as enacted by PL 1993, c. 600, Pt. A, §4, is amended to read:

C. Independent agencies:

- (1) Saco River Corridor Commission;
- (2) Acupuncture Licensing Board;
- (3) Board of Licensing of Auctioneers;
- (4) Board of Licensing of Dietetic Practice;
- ~~(5) Board of Commercial Driver Education;~~
- (6) Advisory Board for the Licensing of Taxidermists;
- (7) Maine Turnpike Authority; and
- (8) State Board of Optometry.

Sec. 2. 5 MRSA §151, first ¶, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:

All money received by the Treasurer of State from the Board of Licensure in Medicine, the Board of Examiners in Physical Therapy, the Board of Examin-

ers of Psychologists, the State Board of Nursing, the Board of Accountancy, the Board of Veterinary Medicine, the Board of Osteopathic Licensure, the State Board of Funeral Service, the State Board of Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Certification for Geologists and Soil Scientists, the Nursing Home Administrators Licensing Board, the State Board of Licensure for Architects and Landscape Architects, the Electricians' Examining Board, the Oil and Solid Fuel Board, Maine State Pilotage Commission, the State Board of Barbers, State Board of Cosmetology, State Board of Registration for Land Surveyors, State Board of Social Worker Registration, the ~~Examiners Board of Podiatrists Licensure of Podiatric Medicine,~~ the Board of Chiropractic Licensure, the Board of Examiners on Speech Pathology and Audiology, the Maine Real Estate Commission, ~~the Board of Commercial Driver Education,~~ the Board of Registration of Dietetic Practice, the State Board of Registration for Professional Foresters, the Board of Hearing Aid Dealers and Fitters, the Manufactured Housing Board, the Board of Occupational Therapists, Radiologic Technology Board of Examiners, Board of Registration of Substance Abuse Counselors, Maine Athletic Commission, Board of Underground Oil Storage Tank Installers and the Board of Commissioners of the Profession of Pharmacy ~~shall constitute~~ constitutes a fund, which ~~shall be~~ is a continuous carrying account for the payment of the compensation and expenses of the members, and the expenses of the board and for executing the law relating to each board respectively, and as much ~~thereof of the fund~~ thereof of the fund as may be required is appropriated for these purposes. The secretary of each board ~~shall be reimbursed~~ is entitled to reimbursement for all expenditures for books, stationery, printing and other necessary expenses incurred in the discharge of ~~his~~ the secretary's duties. All ~~such~~ such payments ~~shall must~~ shall must be made from the respective funds held in the State Treasury, after the approval of the State Controller. In no event may these payments exceed the amounts received by the Treasurer of State from the treasurer of each respective board. Any balance remaining to the credit of any board at the end of any year ~~shall must~~ must be carried forward to the next year.

Sec. 3. 5 MRSA §12004-A, sub-§12, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 4. 10 MRSA §8001, sub-§10, as repealed and replaced by PL 1991, c. 548, Pt. B, §1, is repealed.

Sec. 5. 20-A MRSA §8702, as amended by PL 1989, c. 721, §1, is repealed and the following enacted in its place: